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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,089	11/26/2003	Mitsuru Kogami	D-1538	6190

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/721,089

Applicant(s)

KOGAMI, MITSURU

Examiner

Christopher Boswell

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/26/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 3,156,493 to Griffiths.

Griffiths discloses a lock mechanism for locking a movable member to a base member (column 1, lines 30-41), having a cam (102) provided on one of the base member and the movable member, and having a projection (116) with a roughly heart shape and a swing groove (118 and 122) formed around the projection, a swing member (98) movably provided on the other of the base member and the movable member, and having a pin (100) for tracing the swing

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groove, and auxiliary means (106) provided on the one of the base member and the movable member, the auxiliary means contacting the swing member while the pin is tracing the swing groove so that the auxiliary means allows the swing member to move properly (column 2, lines 6-24), as in claim 1.

Griffiths also discloses urging means (95) for urging the movable member relative to the base member so that the movable member is stopped at a first position (118) through an engagement of the pin and the projection by pushing the movable member against a force of the urging means, and the engagement is released by pushing the movable member again to allow the movable member to move to a second position (122), as in claim 2, wherein the movable member is switched between the first position where the movable member closes an opening of the base member and the second position where the opening opened, and said cam is arranged to face laterally (column 2, lines 6-24), as in claim 7.

Griffiths further discloses the auxiliary means is a spring member (column 1, lines 71-72), as in claim 3, wherein the spring member is located adjacent to the cam (figure 1) and contacts a tip (figure 1) of the swing member when swing member moved close to the projection, the spring member urging the swing member from one side of the projection toward the other side of the projection (column 2, lines 6-24), as in claim 4, as well as the spring member contacting the swing member with a force larger than a momentum applied to the swing member downwardly (the force from the spring moves the swing member in a latitudinal direction, and thus more force than in a downward direction), as in claim 5, wherein the cam is arranged to face laterally so that the spring member pushes the swing member upwardly (the swing member is pushed upwards when it contacts upwardly inclined surfaces 124, 112, and 116), as in claim 6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths, as applied above, in view of U.S. Patent Number 5,050,922 to Falcoff.

Griffiths discloses the invention substantially as claimed. However, Griffiths does not disclose the features of an opening-closing device. Falcoff teaches an opening-closing device having arms (100) being rotatably attached to side walls (65) of a base member, a movable member being rotatably attached to the arms and having a plate (80) extending downwardly therefrom and moving along grooves (95) formed on the side walls, and a locking mechanism attached to the end of the plate (120), the plate being pivotally connected to the swing member in the same field of endeavor for the purpose of limiting the opening movement of a moveable member to a generally solitary direction (column 1, lines 64-68). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the opening-closing device of Falcoff with the locking mechanism of Griffiths in order to limit the opening movement of a moveable member to a generally solitary direction.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to push latches:

U.S. Patent Number 6,669,250 to St. Louis, U.S. Patent Number 6,290,281 to Durrani et al., U.S. Patent Number 6,247,733 to Weiland, U.S. Patent Number 6,056,333 to Wach, U.S. Patent Number 5,211,431 to Koizumi et al., U.S. Patent Number 5,211,430 to Chern, U.S. Patent Number 5,040,833 to Brunnert, U.S. Patent Number 4,368,937 to Palombo et al., U.S. Patent Number 3,785,004 to Stoffregen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB *CB*  
August 12, 2004

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600